

REMARKS

Claims 1-13 and 27-29 have been examined. Claims 30-34 are added as new claims.
Claim 1-13 and 27-34 are all the claims pending in the application.

I. Formalities

The Examiner indicated that the subject matter in previously presented claims 27-29 made Wajima (US 6,498,613) non-analogous art. Applicant respectfully submits that Wajima is non-analogous art irrespective of previously presented claims 27-29.

Applicant notes that the Examiner still has not acknowledged the claim for foreign priority nor confirmed that the certified copies of the priority documents submitted on July 23, 2001, have been received, as requested in the amendment filed March 23, 2004. Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority in the next Office Action.

II. Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1-13 and 27-29 under 35 U.S.C. § 102(e) as being anticipated by Ohki et al. (US 6,529,206) ["Ohki"]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an image processing method comprising "selecting a particular drawing level from a plurality of drawing levels set in advance for a computer graphics algorithm based on at least one of an amount of computation processing." The Examiner cites col. 8, line 56-col. 9, line 60 as allegedly disclosing the claimed combination, but the Examiner does not provide

any specifics as to what in Ohki allegedly discloses the claimed computation processing, the claimed drawing level and the claimed computer graphics algorithm.

However, in the analysis of claim 5, which is dependent on claim 1 and recites similar elements, the Examiner contends that Ohki's GUI processing corresponds to the claimed computation processing and elements 12-18 correspond to the claimed graphics algorithm.

Accordingly, elements 12-18 must allegedly correspond to the claimed computer graphics algorithm and GUI processing must allegedly correspond to the claimed computation processing as set forth in claim 1. The Examiner never specifies what in Ohki allegedly corresponds to the claimed drawing levels.

Claim 1 recites that "selecting a particular drawing level from a plurality of drawing levels set in advance." (emphasis added). The Examiner's cited section discloses the selection of elements 12-18 based on a GUI event. Applicant submits that, based on the Examiner's own contentions, elements 12-18 allegedly correspond to the claimed computer algorithm, not the "drawing levels" as set forth in claim 1. Further, the cited section does not disclose or suggest any plurality of features that are set in advance that could correspond to the claimed drawing levels. Therefore, Ohki does not disclose or suggest the claimed selecting as set forth in claim 1.

In addition, Ohki discloses that an event processor 11 analyzes the type of GUI event, ex. Mouse clicking, and activates one of elements 12-18 (col. 8, line 63-67, fig. 4). There is no disclosure or suggestion of an activation of elements 12-18 being based on an amount of computation processing as set forth in claim 1.

Therefore, Applicant submits that even if, for the sake of argument alone, the plurality of drawing levels correspond to elements 12-18 and GUI processing corresponds to a computation processing, the selection of the elements 12-18 is based on user input (mouse click, mouse movement) and not based on an amount of processing required for processing.

Because claims 2-13 and 27-29 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

In addition, claim 5 recites selection based on an amount of computation processing, therefore, Applicant submits that claim 5 is patentable for the at least the additional reason that Ohki does not disclose selection based on an amount of processing.

Claim 7 recites first and second image processors that perform processing at different timings. The Examiner contends that elements 12-18 are the claimed processors and that different timing is inherent. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference’.” MPEP at page 2100-54 (emphasis added).

Applicant submits that the cited text describes processing functions for elements 12-18. There is no disclosure or suggesting in Ohki about the timing of any of the elements. Therefore, the Examiner has not provided any support for his contention that makes clear that the claimed “different timing” is necessarily inherent.

Claim 8 recites that the first image processor is a personal computer and the second image processor is a host computer. The Examiner contends Ohki discloses this feature but does not provide any specific details.

Applicant submits that the cited text, at most, shows that a personal computer may run Ohki's program or that hardware can perform some of the individual functions of elements 12-18. However, there is no disclosure that the image processing functions of Ohki can be divided into two separate computers as set forth in claim 8.

III. New Claims

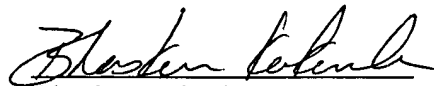
With this amendment, Applicants adds claims 30-34. Applicant submits that these claims are patentable at least by virtue of their dependency, as well as the features set forth therein.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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